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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,687	05/29/2007	Jos Kobussen	P07033USD	8984
34082	7590	01/05/2012		
ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350			EXAMINER LONG, LUANA ZHANG	
			ART UNIT 1782	PAPER NUMBER
			NOTIFICATION DATE 01/05/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

bstills@zarleylaw.com

# Office Action Summary

**Application No.**

10/598,687

**Applicant(s)**

KOBUSSEN ET AL.

**Examiner**

LUANA Z. LONG

**Art Unit**

1782

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1,3,4,6-13,18 and 19 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1,3,4,6-13,18,19 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-650)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

Applicant's amendment to the claims in the reply filed October 28, 2011 is entered. Claims 1, 3-4, 6-13, 18 and 19 are currently pending in the application. Claims 2, 5, 14-17 are canceled. The previous objection to claim 1 is withdrawn in light of the amended claims. The previous 35 U.S.C. 112 second paragraph rejection of claims 8, 9 and 18 are withdrawn in light of the amended claims.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricklefs [US 5,632,153] (already of record) in view of Picek [US 5,173,190], in further view of Kobussen [US 6,245,369 B1] (already of record).**

Regarding claim 1, Ricklefs discloses a method comprising: supplying an aqueous salt solution to an exterior of meat products, such as sausages (col. 3, lines 8-11, 50-54), collecting the aqueous salt solution used when supplying the aqueous salt solution to the of the sausage (col. 4, lines 4-6), reconditioning the collected aqueous salt solution, and then reusing the reconditioned aqueous salt solution when supplying the aqueous solution to the exterior of the sausages (col. 4, lines 6-17). Ricklefs also contemplates automatically monitoring the aqueous salt solution by measuring the concentration of a specific substance (salinity or turbidity) of the collected aqueous salt solution (col. 5, lines 23-25), and contemplates automatically adjusting the quality of the

aqueous salt solution (salinity) (maintain the desired salinity of the brine in the circuits) (col. 3, lines 50-54, col. 4, lines 17-35).

However, Ricklefs does not specifically disclose an automated monitoring and adjustment *device* for measuring the salinity or turbidity of the collected aqueous salt solution, or utilizing an *intelligent control unit* to control quality.

Picek relates to an automated system for reconditioning overflow waste chill water for reuse comprising an automated monitoring and adjustment device (see abstract and col. 4, lines 39-45) for measuring the turbidity of the water and utilizing an intelligent control unit (process controller 11) for controlling quality (see Fig. 1, col. 5, lines 4-13, 48-63).

Since Picek also relates to reconditioning and reuse of chilled liquid in food processing circuits, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the automated monitoring and adjustment device with the intelligent control unit of Picek to the system and process of Ricklefs, with the expected result of being able to monitor and control the turbidity of the brine solution in the circuits to improve quality.

Ricklefs is silent with respect to the sausage product being a co-extruded food product. However, it was well-known in the art at the time of the invention to make sausages by co-extrusion, as evidenced by the reference Kobussen.

Since Ricklefs' process can be applied to any meat product, particular sausages (col. 1, lines 5-19), since co-extruded sausages are well-known in the art, it would have

been obvious to one having ordinary skill in the art at the time of the invention to apply the brine cleansing process of Ricklefs to co-extruded sausages.

The method of Ricklefs in view of Picek, in further view of Kobussen is interpreted to be capable of at least partially dehydrating the casing of co-extruded food products.

Regarding claims 3 and 4, Modified Ricklefs is interpreted to read on these limitations since the collected aqueous salt solution is filtered (membrane or like filtration unit 50) in a manner such that at least one component (contaminants) is substantially removed from the brine by means of, what is interpreted to be absorption (low-pressure membrane process) (col. 4, line 61 to col. 5, line 4).

**Claims 6-8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricklefs in view of Picek, in further view of Kobussen as applied to claims 1, 3 and 4 above, further in view of Keil [US 3,073,702] (already of record).**

Regarding claims 6-8 and 18, Modified Ricklefs does not disclose adding hydrogen peroxide to the aqueous salt solution to prevent or at least partially reverse discoloration.

Keil discloses using hydrogen peroxide as a conditioning agent for treating collagenous material (col. 2, lines 43-44). Keil also discloses that hydrogen peroxide has the advantage of having bactericidal properties (col. 3, lines 7-13).

In view of Keil, it would have been obvious to one of ordinary skill in the art at the time of the invention to add hydrogen peroxide to the aqueous salt solution of Ricklefs in

view of Kobussen, due to its disinfecting properties (Keil, col. 3, lines 7-13). Since hydrogen peroxide is a chemical known to be used as bleach, it would be expected that the addition of hydrogen peroxide to the aqueous salt solution of Modified Ricklefs also prevents discoloration or reverses discoloration.

**Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricklefs in view of Picek, Kobussen and Keil as applied to claim 8 above, further in view of Hignett [US 4,536,313] (already of record).**

Regarding claims 9 and 19, Modified Ricklefs does not disclose adding sodium percarbonate to the aqueous salt solution.

However, Hignett discloses that sodium percarbonate, which generates hydrogen peroxide in aqueous solution, can also be used as a disinfectant (col. 1, lines 10-18).

In view of Hignett, it would have been obvious to one of ordinary skill in the art at the time of the invention to add sodium percarbonate to the brine solution of Modified Ricklefs, with the motivation of using it as a disinfectant. It would be expected that the addition of sodium percarbonate to the aqueous salt solution of Modified Ricklefs prevents discoloration.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ricklefs in view of Picek, Kobussen and Keil as applied to claim 8 above, in further view of Barber [US 2003/0183092 A1] (already of record).**

Modified Ricklefs does not disclose adding an acid derivative to its aqueous salt solution.

Barber discloses a process where a brine solution is treated with a micro biocide, filtered and then reused in a brine bath tank (abstract and [0031]). Barber discloses that the micro biocide is peroxy acetic acid (also known as peracetic acid) ([0029]), which is an acid derivative disclosed by applicant (see Spec, page 4, para 1).

In view of Barber, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the peroxy acetic acid of Barber to the brine solution of Modified Ricklefs, with the motivation of avoiding the growth of bacterial and other microbes in the brine (Barber, [0029]).

**Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricklefs in view of Picek, in further view of Kobussen as applied to claims 1, 3-4 above, further in view of Riordan [US 4,094,237] (already of record).**

Regarding claims 11-13, Modified Ricklefs is silent with respect to irradiating the aqueous salt solution with ultraviolet radiation in order to at least substantially prevent or reverse discoloration of the salt solution.

Riordan discloses a method for purifying bacterially-contaminated brine overflow by passing the brine through a series of ultra-violet liquid purifying devices (see abstract and col. 1, lines 27-34), in order to decrease bacterial contamination of the salt solution (col. 2, lines 60-64).

In view of Riordan, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the step of irradiating the aqueous salt solution of Modified Ricklefs with ultraviolet radiation, such as disclosed by Riordan, with the expected result of purifying the brine and decrease bacterial contamination. The

irradiation process of Modified Ricklefs is also expected to prevent or reverse discoloration of the salt solution, absent a clear and convincing evidence to the contrary.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-4, 6-13, and 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUANA Z. LONG whose telephone number is (571)270-1152. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. Z. L./  
Examiner, Art Unit 1782

/Drew E Becker/  
Primary Examiner, Art Unit 1782